

# Court of Appeals, State of Michigan

## ORDER

Department of Transportation v Schmidt Family LLC

Docket No. 266302

LC No. 05-003215 CC

Christopher M. Murray  
Presiding Judge

Kathleen Jansen

Pat M. Donofrio  
Judges

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The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED as to the argument that this Court has jurisdiction over the claim of appeal. MCL 213.56(6) does not read the way appellant wants it to read. There is nothing in that section limiting that section to landowners only and the word "determination" appearing in section (5) also appears in section (6) in the form of "determining."

The Court further orders that the claim of appeal is CONVERTED into an application for leave to appeal upon payment of \$375.00 by the appellant within 21 days of this order. The failure to pay the \$375.00 will result in the total dismissal of this appeal. The submitted application for leave to appeal is ACCEPTED for filing and appellee has 21 days from the Clerk's certification of this order to file an answer in response to this application for leave to appeal. ✓    ✓    ✓



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 13 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk